



FEMMES AUTOCHTONES DU QUÉBEC INC.
QUEBEC NATIVE WOMEN INC.

INDIGENOUS WOMEN AND VIOLENCE

PRESENTED TO

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About our organization

Quebec Native Women

Quebec Native Women is a non-profit organization that began as a community initiative in 1974. It is the only organization working on behalf of all Native women in Quebec. It represents women from the Abenaki, Algonquin, Atikamekw, Cree, Huron-Wendat, Innu, Maliseet, Mi'kmaq, Mohawk and Naskapi nations, as well as women living in urban centres.

The mission of our organization is to support and encourage local initiatives that seek to improve the living conditions of Native women and families. In this context, we play a role in education, awareness and research, and provide a structure giving women the opportunity to be active in their communities. Serving as a forum where Aboriginal women can share ideas, *Quebec Native Women* is the spokesperson for Native women. We make the needs and priorities of our members known to the authorities and decision-makers in all our areas of activity: health, youth, justice and public security, women's shelters and promotion of non-violence, human rights and equality, and employment and training.

At the political level, we work on behalf of Native women throughout the country to obtain recognition of their right to equality, in both legislative and constitutional terms.

We also support all Aboriginal Peoples claims for self-determination and we encourage the full participation of Native women in the process leading to the achievement of that goal.

At the socio-economic level, we promote and create new training initiatives that will help our members to improve their and their families' living conditions. These initiatives also give women the opportunity to become more active in their communities.

Quebec Native Women has enjoyed unprecedented growth in recent years, as reflected in the ever-increasing quantity and quality of its work and in results that are making a real difference. Backed by a solid organizational structure and strong experience acquired over the years, QNW is well known today for its proactive involvement in many different areas.

According to the Department of Indian and Northern Affairs of Canada¹ and the Department of Health and Social Services², Quebec's Indigenous population is estimated at 72 770. There are 11 Indigenous Nations in Quebec divided into 43(?) communities.

Overview of the situation

Violence against women remains a very widespread problem within Indigenous communities in Quebec, as well as in the rest of Canada. Female victims of domestic violence and sexual assault are subject to a number of physical, psychological, economic and social prejudices. Guilt, shame and fear also come into play and have major repercussions on them. The consequences of this violence on the victims' moral and financial autonomy, on their social participation and on their physical and psychological health as well as their families' health and welfare, are very serious.

In addition, Indigenous women have a greater risk than any other group in Canada of being victims of domestic violence. A number of studies confirm a higher rate of domestic violence among this portion of the population. Although there are very few statistics available concerning the rate of violence against Indigenous women in communities in Quebec specifically, a 2006 report entitled *Measuring Violence against Women*³ by Statistics Canada demonstrated that the rates of spousal violence and spousal homicide are higher for Indigenous women than for non-Indigenous women or Indigenous men. The severity and impacts of spousal violence are also greater for Indigenous women. According to this same report, not only did Indigenous women report higher rates of spousal violence, they were also significantly more likely than non-Indigenous women to report the most severe and potentially life-threatening forms of violence, including being beaten or choked, having had a gun or knife used against them, or being sexually assaulted (54% of Indigenous women compared with 37% of non-Indigenous women). Consequently, Indigenous women were more likely than their non-Indigenous counterparts to have suffered physical injury, received medical attention, taken time off daily activities as a consequence of the assaults, experienced 10 or more separate episodes of violence from the same perpetrator, and were more likely to fear their lives were in danger.

Part of the explanation for these higher rates is that the presence of risk factors is high among Indigenous populations. Indigenous populations are younger than the general population, have lower average incomes, have higher levels of alcohol abuse and are more likely to live in common-law relationships. In the *Report of*

¹ December 31, 2006

² Health and Social Services Canada, January 31, 2005.

³ Statistics Canada, *Measuring Violence Against Women: Statistical Trends 2006*. Catalogue no. 85-570-XIE.

*the Royal Commission on Aboriginal Peoples*⁴ (RCAP), a number of factors that are linked to violence in Indigenous communities were identified. These factors include systemic discrimination against Indigenous peoples, economic and social deprivation, alcohol and substance abuse, and the intergenerational cycle of violence. According to RCAP hearings, other factors contributing to the high levels of violence in Indigenous communities include the breakdown of healthy family life resulting from residential school upbringing, racism against Indigenous peoples, and the impact of colonialism on traditional values and culture, as well as overcrowded, substandard housing.

Historical background

Historically, Indigenous women have held a position of authority in the family, clan and nation. Traditional societies universally recognized the power of women to bear life. It was believed that women shared the same spirit as Mother Earth, the bearer of all life, and she was revered as such. By virtue of her unique status, the Indigenous woman had an equal share in all spheres. For example, the historical relationships and responsibilities of women in Iroquois/Mohawk society are quite significant, particularly within traditional political culture, while in some societies such as the Innu, decision-making was shared equally between women and men. Traditionally, Indigenous women also played an important economic role in their societies through their efforts at farming, their skill in gathering of food, preparation of clothing and preparation of furs for market, to name but a few. A family unit could not survive without the economic input of both men and women. The imposition of European patriarchal values in which men controlled access to goods and services, including land and housing, was a major disruption to the foundation of the Indigenous family.

Therefore, the early years of colonization in Canada brought extensive change for Indigenous people of this land. Along with the arrival of the Europeans came their general ignorance of traditional Indigenous societies, the imposition of their own patriarchal structures and consequently, the long and systematic devolution of the Indigenous woman's inherent rights, her authority, equality and her unique status began. It eventually eroded and undermined her valued position among her people. She was denied any formal leadership role during the treaty-making process between European and Indigenous nations. Her role as wife, mother, grandmother and auntie diminished as European attitudes and values toward women were forcibly and gradually adopted by Indigenous society.

⁴ Canada, *Report of the Royal Commission on Aboriginal Peoples*: Vol. 5 Renewal: A Twenty Year Commitment, Ottawa (file 13691)

The effects of the *Indian Act* and other governmental policies

The *Indian Act* (1867) was shaped by Western colonial thinking and implemented with one goal in mind: to assimilate Indigenous people in order to free up lands and resources and allow the Crown to avoid its fiduciary responsibilities. From the 1870s through the mid-1980s, the Canadian government took away Indigenous women's status as Indigenous people under this federal *Indian Act*, along with their right to live in their home communities, if they married a non-Indigenous man or a man from another community. This policy resulted in the displacement of tens of thousands of Indigenous women, jeopardizing their ties to their families and their support systems, and increasing their dependence on their spouses. During roughly the same period, the government required many Indigenous children to be educated in off-reserve residential schools although some communities were allowed to have their own "day schools". Regardless of where Indigenous children attended school, they were physically punished for speaking their language or practicing their cultures, and in Residential Schools, many were subjected to inhumane living conditions along with physical and sexual abuse⁵. The outcome of these policies has been the erosion of culture and language, a rupture in the family structure, the displacement of generations of Indigenous women along with their children, the separation of children from their parents, and a cycle of poverty and violence that continues still today.

Thus 'Indigenous identity has been broken down for purposes of colonial and later federal policy into the categories of Métis, Inuit and Indian, with the latter further broken down into status and non-status Indians. Today, in spite of the 1985 revisions to the *Indian Act* within the status category, there are 'new status' and 'old status' Indians, on-reserve and off-reserve status Indians, subsection 6(1) status Indians and subsection 6(2) status Indians, and on and on. Each new category brings with it different rights and risks. These categories have little to do with culture, upbringing or identity and everything to do with administration, bureaucracy and an apparently continuing federal policy of assimilation that persists to this day. These inequalities breed violence, such as postcolonial structural inequalities, family violence, bloodism, racialized and sexualized violence, and gender violence. They also lead to poverty, lack of access to adequate housing, including the lack of access to matrimonial property rights, lack of access to justice, low education and employment rates, low health status and little or no political participation.

Among the many concerns raised by Indigenous women are the discriminatory provisions of the *Indian Act* such as the restrictions on Indian status entitlement; the discriminatory policy of the Indian Registrar which

⁵ Amnesty International Report: Sisters in Spirit – Stolen Sisters. Released October 2004.

requires identification of a child's father; the difficulty in transferring to another band such as the birth band because of the requirement of consent of the other band; the denial of band membership by some band councils even though the right to membership is protected under the *Indian Act*, by-laws preventing non-members from residing on the reserve which affect non-Indigenous spouses and, as a consequence, the children of such marriages; land allotments subject to the Band Council's will; the silence of the *Indian Act* with respect to division of property upon divorce when historically, lands and houses are registered in the male spouse's name; difficulties in obtaining orders for the temporary use of the matrimonial house in situations of family violence, or to have the order enforced on reserve; and the application of the Charter to Indigenous Governments so as to attain balance between Indigenous community interests and individual rights.

Moreover, the 1996 *Report of the Royal Commission on Aboriginal Peoples* described the situation of Indigenous women in violent family situations as follows:

"The male partner's control of the residence becomes problematic if a woman is assaulted and calls for protection in the form of a restraining order restricting the man's access to the marital home. The assault charge will be dealt with as a criminal matter, but if she wishes to have sole occupancy of the marital home, the woman must also launch a civil action in another court. If the marital home is on a reserve, the provincial court is unable to handle the case because it falls within federal jurisdiction over "Lands reserved for the Indians", yet federal legislation to deal with the matter does not exist. Consequently, women often have no alternative but to leave the marital home. Given the shortage of housing on most reserves, women in these circumstances usually have to choose between moving in with relatives already living in overcrowded homes, or leaving the community. The trauma of abuse is thus compounded by the loss of the woman's home, extended family and familiar surroundings."⁶

On this subject, United Nations Special Rapporteur on adequate housing, Miloon Kothari, stated, in a press release following his recent visit to Canada, that the major deficiencies of protection law for women living on a reserve, the impossibility to file complaints to the Canadian Human Rights Commission and matrimonial real property laws on reserves were among some of the greatest barriers to the enjoyment of the right to housing and a life free of violence for Indigenous women.

⁶ *Supra* note 4.

Furthermore, a 2003 Report by the Women and Justice Tripartite Committee showed that the legal and judicial framework that applies to Indigenous women makes the fight against violence against these women more complex. The current federal law marginalizes Indigenous women, leaving deep scars within Indigenous communities. The women are simultaneously the objects of discrimination based on various grounds, such as gender, race, culture, residence and marital status. They are doubly marginalized: as women within their community and as Indigenous persons within society. Moreover, Indigenous women do not have the same access to services and programs as other women in Canada, or in Quebec. Many Indigenous women, especially those who are dependent on fixed incomes and in remote communities, do not have access to culturally specific women's shelters or transportation to get to shelters. Transportation to and from isolated communities is often by air only, and many women do not have financial resources to leave their communities to avoid assault or abuse. Those who can leave often have to leave their children behind due to lack of funding.

Women's shelters in Quebec

The women's shelters in the Indigenous communities in Quebec receive less than one-third of the funding that the other shelters in Quebec receive. Several studies have shown that the resources available for Indigenous women who are victims of domestic violence and for their children come far short of meeting their needs. The shelters are also no longer able to keep up with the demand for their services. They require more adequate financial support to hire new resources, provide specialized support services and assist a greater number of victims. To provide professional services and the same number of beds, the non-Indigenous shelters in Quebec each receive close to \$487,000 per year from the provincial government. The shelters in the Indigenous communities each receive just \$150,000, through funding provided by Indian and Northern Affairs Canada. Consequently, the funding that goes to the Indigenous women's shelters in Quebec stands at just 31% of the core funding received by the non-Indigenous women's shelters in the province. But the task of the shelters in the Indigenous communities is more daunting. They must assist women who are coping with a wide range of social problems, including suicide, substance abuse, and all forms of violence.

On June 22, 2007, Minister Bev Oda, former Minister of Canadian Heritage and the Status of Women, announced on behalf of the Government of Canada, that there would be the creation of new funding to help increase the current funding allotment that the Indigenous women's shelters would receive. This announcement gave hope to counselors and therapists who work with limited resources towards reducing the rate of violence against Indigenous women and children. However, Quebec Native Women was

disappointed in the manner in which the new funding for the “Proposed New Emergency Shelter Locations” was handled and promoted. While the June announcement to address the issue of under-funding for Indigenous women’s shelters was warmly welcomed, the possibility for the creation of new shelters was not well known. In fact, it was not until a week before the August 31st, 2007 deadline that QNW was made aware that a deadline for communities to submit proposals even existed.

QNW believes that the time allotted for communities to submit project proposals did not allow an adequate amount of time for communities to be informed of this opportunity. As a result, any project submitted would have been rushed and might not be representative of the true needs of the community since some of the minimal requirements for a new shelter involve a needs assessment and feasibility study etc.

Conclusion

Indigenous women stay in relationships through fear, threats, and intimidation, pressure from the community leadership, the destruction of self-esteem and the imposed belief that survival outside the relationship or family is impossible. One of Indigenous women’s greatest fears in disclosing violence in the home is that their children may be taken from them by provincial or white authorities or by Indigenous child welfare workers who may report to chiefs and councils. This fear is largely based on the historical relationship between child welfare agencies and the Indigenous community. Many Indigenous women will stay in an abusive relationship to keep the family together, and the perceived threat of losing their children. Also, violence within the family is often cyclical. For many victims, the abuse begins at birth and follows them through childhood and adolescence into their adult lives. Therefore, abuse is often a learned behavior. Many cases of violence in the Indigenous community involve multi-generational offenders. This cycle of violence reinforces violence in the home.

For these reasons, many Indigenous women find themselves trapped in violent situations, forced to return home because of lack of support or resources, or forced into exile in cities and towns where they face a discriminatory and at times a racist system that is often unaware, uninformed and unconcerned about their culture and lifestyle. Victims of violence often miss support of family members and friends, and lack financial support and have limited job opportunities. The bureaucratic process of social services, medical and legal professionals, police and the justice system, frequently revictimizes them.

Recommendations:

- **Correction of the under-funding of Native women Shelters to help Indigenous women and their children who are victims of violence, while ensuring that strategies of interventions are focused on the circumstances of clientele;**
- **Provide specific training for counselors on the various issues and problems that can be encountered in shelters, including those that affect the children of victims of violence;**
- **Create an awareness campaign on the issue of conjugal violence for Indigenous and non-Indigenous peoples;**
- **Increase the number of frontline workers and provide incentives to decrease the turnover rate of qualified personnel. This could be done by providing better salaries to insure 24 hour care;**
- **Provide services adapted to Indigenous culture and traditions (ex.: healing circles);**
- **The creation of more on-reserve shelters or shelters within a close proximity to reserve but controlled by Indigenous communities;**
- **For all existing shelters and new shelters to become incorporated to allow the Native Women Shelters to be independent of political interference;**
- **The inclusion of mandatory cultural sensitivity curriculum to training of judges, police officers and in schools of social work;**
- **The creation and implementation in school curriculums of the promotion of non-violence and traditional Indigenous values regarding spirituality and sexuality: at elementary, secondary and post-secondary institutions. This will allow children and youth to have a better comprehension of the violence at home and in the communities, especially in regards to sexual violence;**
- **To make more accessible in on-reserve schools; counselors and psychologists with backgrounds in trauma – historical and otherwise, and in violence, to help children and youth experiencing violence at home and in the community;**
- **To implement the history of colonization and its effects upon Indigenous peoples' identity, culture, language and way of life to all educational institutions and government agencies.**